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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,987	11/14/2003	Thomas E. Walker	LK9-03-001	1544
7590 02/28/2006 Laurence R. Letson P.O. Box 910567 Lexington, KY 40591			EXAMINER NGUYEN, PHONG H	
			ART UNIT 3724	PAPER NUMBER
DATE MAILED: 02/28/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/713,987

Applicant(s)

WALKER, THOMAS E.

Examiner

Phong H. Nguyen

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. The Specification is objected to under 37 CFR 1.71 because it does not describe the difference between the spot of light and the line of line, and how rotating the second lens would align the line of light to the kerf.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.81 (a) because they do not show how a spot of light formed by a light source and a lens is converted to a line of light. Applicant is required to provide a drawing showing a spot light formed by a light source and a lens and then the spot light being transformed into a light line after the spot light passing through a second lens.
3. A bigger drawing of the second lens for showing the sinusoidal surface and the flat surface is needed for better illustrating the second lens.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:  
  
The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
5. Claims 1-11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter

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which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding the last paragraph of claim 1, it is unclear how rotating the second lens would align the line of light to the kerf. It appears that rotating the second lens would make the line of light converging or diverging but not aligning laterally.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, it is unclear what the difference between the spot of light and the line of light is.

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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9. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garcia et al. (US Pub. 2003/0,233,921 A1) in view of Mori (4,428,031) and Simms (4,916,579).

In view of 35 USC 112 issues, claims 1-11 will be examined as best understood by the Examiner.

Regarding claim 1, Garcia teaches the invention substantially as claimed including a base 22, a frame 24, a motor inherently carried by the frame, a rotary blade 26, a cutting line indicator 40 fixed to the frame having a container, and an alignment means comprising screws (78 and 130) having threaded members. See Figs. 1-15.

A lighting unit (42, 44) comprises a light source and a lens to project a spot of light. The lighting unit is laterally adjustable. See paragraph [0034].

Garcia fails to teach a lighting unit having a second lens. Mori teaches a second lens 2 for adjusting the convergence of the light beam. See Figs. 1A and 2. Therefore, it would have been obvious to one skilled in the art to provide a second lens as taught by Mori to the lighting unit of Garcia for adjusting the convergence of the light beam.

Mori teaches adjusting the convergence of the light beam by pulling out a lens holder 20 or pushing it in. Simms teaches adjusting the convergence of light by providing treads in a lens holder. See Fig. 2 and 3. Therefore, it would have been obvious to one skilled in the art to provide treads in the lens holder of Mori for easier adjusting the second lens.

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Regarding claim 2, Garcia does not teach the width of the light beam.

However, it would have been obvious to one skilled in the art to provide a light beam having a width the same as that of the saw blade for better viewing.

10. Claims 3-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garcia in view of Mori and Simms as applied to claims above, and further in view of Cook (4,158,222).

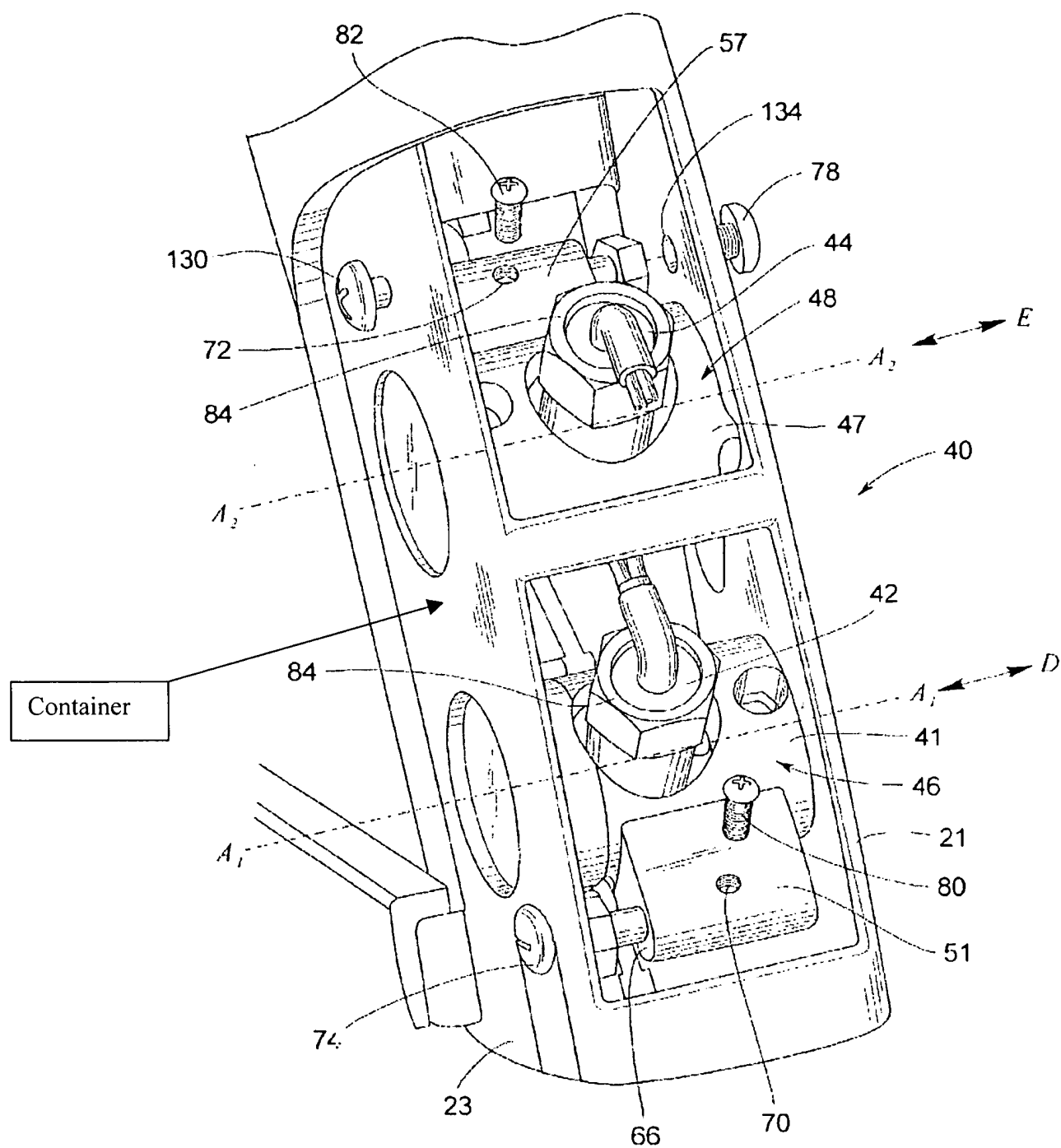
Regarding claim 3, Mori does not teach the Fresnel lens having a sinusoidal surface. Cook teaches a Fresnel lens having a sinusoidal surface (72 and 74). See Figs. 2 and 6. Therefore, it would have been obvious to one skilled in the art to make the Fresnel lens in Mori having a sinusoidal surface for prolonging the useful life of the lens since sharp edges in Mori's lens is easier to be broken.

Regarding claim 4, Garcia teaches laser light units (42 and 44).

Regarding claim 5, the first lens in Garcia produces a spot of light and the second lens of Mori produces a light line.

Regarding claims 6 and 7, see paragraph [0027] in Garcia.

Regarding claims 8-11, the spatial relationship of the container, the screws (78 and 130) and the saw blade is best seen in Figs. 1, 2, 3a, 3b, 5 and 6-9 in Garcia.



*Fig. 3a*

*Response to Arguments*

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11. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

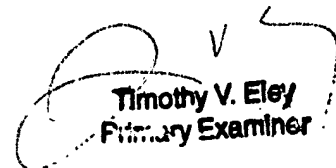
***Conclusion***

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phong H. Nguyen whose telephone number is 571-272-4510. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PN: *pm*  
February 21, 2006

  
**Timothy V. Eley**  
Primary Examiner